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**SEARCH WARRANT
COUNTY OF MARICOPA, STATE OF ARIZONA**

WARRANT NO: SW2012007031

TO ANY POLICE OFFICER IN THE STATE OF ARIZONA:

Proof by affidavit having been made this day to me by Officer Benjamin Catalano #8226, I am satisfied that there is probable cause to believe that:

- (X) On the premises known as 8941 West Montevista Road. The house is a single story residence on the south side of West Montevista Road. The house is tan in color with a shingle roof. The front door of the house faces north and is recessed. There is a window to the right of the front door that faces north. There is a two car garage, tan in color with the numbers "8941" engraved in dark green tile to the right of the garage door. The front yard consists of dirt, free of grass and rock. There is an overgrown tree to west of the garage door which prevents access through the walkway. There is a city light pole on the northwest corner of the front yard bearing the numbers "PH115582".
- (X) on the persons of Rasan Byrd, B/M, Date of Birth: 08/27/1975, and Robert Smith, B/M, Date of Birth: 05/05/1974.
- (X) In the vehicle described as a 2006 Ford F150 pickup truck bearing Arizona license plate: AWZ8730, which is parked in the garage of the residence.

In the City of Phoenix, County of Maricopa, State of Arizona, there is now being possessed or concealed, person(s), property, or things, described as:

That said property, persons, or things are described as follows:

A usable quantity drugs, but not limited to marijuana.

Any and all guns.

Any and all ammunition including but not limited to fired shell casings, projectiles, live cartridges, and fragments.

Any and all documentation showing ownership and / or possession of gun(s) including but not limited to receipts, photographs, gun manuals, gun cleaning supplies.

Any and all paraphernalia for packaging, manufacturing, using, weighing and distribution of marijuana, methamphetamines, and cocaine including but not limited to scales, baggies, grinders, dilutents, wrapping materials, tape.

United States currency and coins, negotiable instruments, stock certificates, precious metals, gems, jewelry, and financial instruments.

Canceled letters, envelopes, water bills, utility bills, or any papers that tend to show ownership or control of 8941 West Montevista Road.

Electronic equipment such as cellular telephones including but not limited to computers, telex machines, facsimile machines, currency counting machines, telephone answering machines and cassette tapes, memory devices such as calculators, electronic address notebooks, and watches, and related manuals used to generate, transfer, count, records and / or store information; and to manipulate such devices.

Any and all documentation including but not limited to books, records, receipts, notes, ledgers, and other papers relating to the transportation, ordering, possession, sale, transfer and importation of controlled substances in particular marijuana.

Any and all documents including but not limited express mail packaging and / or receipts, wire transfers records, and other papers relating to the transportation of controlled substances and payments/proceeds for such controlled substances.

Which property, person(s), or things:

- (X) were used as a means of committing a public offense.
- (X) are being possessed with the intent to use as a means of committing a public offense.

Such offense being **POSSESSION OF MARIJUANA** that occurred on July 30th, 2012 at 8941 West Montevista Road.

YOU ARE THEREFORE COMMANDED

(X) In the daytime (excluding the time period between 10:00 p.m. and 06:30 a.m.)

() or nighttime (good cause therefore having been shown)

to make a search of the above named or described person(s), premises, and vehicle(s) for the herein above described property, person(s), or things, and if you find same or any part thereof, to retain such in your custody of your represented Agency you represent, as provided by A.R.S. 13 - 3920.

Return this warrant to me within three (3) days of the date thereof, as directed by A.R.S.

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13-3918.

Pursuant to 13-3920, I hereby authorize release of any property seized that is no longer needed for criminal prosecution to the person(s) from whom it was seized or who is identified as the lawful owner, unless such property is contraband or otherwise prohibited.

Given under my hand and dated this 30th day of July, 2012.



JUDGE, JUSTICE OF THE PEACE, OR MAGISTRATE

Of the Maricopa County Superior Court

HONORABLE ALYSSON H. ABE
MARICOPA COUNTY SUPERIOR COURT

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AFFIDAVIT FOR SEARCH WARRANT
COUNTY OF MARICOPA, STATE OF ARIZONA

WARRANT NO: 2012-007031

Your Affiant, Officer Benjamin Catalano #8226, a peace officer in the State of Arizona, being duly sworn, upon oath, deposes and says: That on July 30th, 2012, in the County of Maricopa, State of Arizona, the crime of **POSSESSION OF MARIJUANA** was committed.

That the Affiant has probable cause to believe and does believe that:

- (X) On the premises known as 8941 West Montevista Road. The house is a single story residence on the south side of West Montevista Road. The house is tan in color with a shingle roof. The front door of the house faces north and is recessed. There is a window to the right of the front door that faces north. There is a two car garage, tan in color with the numbers "8941" engraved in dark green tile to the right of the garage door. The front yard consists of dirt, free of grass and rock. There is an overgrown tree to west of the garage door which prevents access through the walkway. There is a city light pole on the northwest corner of the front yard bearing the numbers "PH115582".
- (X) on the persons of Rasan Byrd, B/M, Date of Birth: 08/27/1975, and Robert Smith, B/M, Date of Birth: 05/05/1974.
- (X) In the vehicle described as a 2006 Ford F150 pickup truck bearing Arizona license plate: AWZ8730, which is parked in the garage of the residence.

In the City of Phoenix, County of Maricopa, State of Arizona, there is now being possessed or concealed, person(s), property, or things which:

- (X) were used as a means of committing a public offense.
- (X) are being possessed with the intent to use as a means of committing a public offense.

Such offense being **POSSESSION OF MARIJUANA** that occurred on July 30th, 2012 at 8941 West Montevista Road.

That said property, persons, or things are described as follows:

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A usable quantity of drugs including but not limited to marijuana.

Any and all guns.

Any and all ammunition including but not limited to fired shell casings, projectiles, live cartridges, and fragments.

Any and all documentation showing ownership and / or possession of gun(s) including but not limited to receipts, photographs, gun manuals, gun cleaning supplies.

Any and all paraphernalia for packaging, manufacturing, using, weighing and distribution of marijuana, methamphetamines, and cocaine including but not limited to scales, baggies, grinders, dilutents, wrapping materials, tape.

United States currency and coins, negotiable instruments, stock certificates, precious metals, gems, jewelry, and financial instruments.

Canceled letters, envelopes, water bills, utility bills, or any papers that tend to show ownership or control of 8941 West Montevista Road.

Electronic equipment such as cellular telephones including but not limited to computers, telex machines, facsimile machines, currency counting machines, telephone answering machines and cassette tapes, memory devices such as calculators, electronic address notebooks, and watches, and related manuals used to generate, transfer, count, records and / or store information; and to manipulate such devices.

Any and all documentation including but not limited to books, records, receipts, notes, ledgers, and other papers relating to the transportation, ordering, possession, sale, transfer and importation of controlled substances in particular marijuana.

Any and all documents including but not limited express mail packaging and / or receipts, wire transfers records, and other papers relating to the transportation of controlled substances and payments/proceeds for such controlled substances.

REGULAR INFORMATION OR INFORMANT FORM

That the following facts establish probable cause for believing that grounds for the issuance of a search warrant for the aforementioned items exists:

I, your affiant, Officer Benjamin Catalano #8226 of the Phoenix Police Department, conducted an investigation regarding the location of 8941 West Montevista Road reference Phoenix Police DR#2012-01356558.

Officer Banuelos #8294 and I were conducting routine patrol in the area of 91st Avenue and West Montevista Road and noticed a residence located at 8941 West Montevista Road with its garage door half open. Inside of the garage was a Ford pickup truck bearing Arizona license plate: AWZ8730. The vehicle was registered to Cecilia Michaux out of Harvest, Alabama. From the street, the rest of the garage looked fairly empty with the exception of the pickup truck.

Officer Banuelos and I arrived at the residence and walked up to the front of the house. As I walked to the front door of the residence, I smelled a strong odor of raw marijuana emitting from inside the house. Officer Banuelos arrived near the front door area and also smelled a strong odor of raw marijuana emitting from inside the house.

Officer Banuelos knocked on the front door of the house. A male later identified as Rasan Byrd opened the front door to the residence and stood behind the security door. After the door opened, the odor of raw marijuana emitting from the interior of the house became stronger. Officer Banuelos asked Rasan if he lived at the house and he said he had been living there for approximately six months. Officer Banuelos asked Rasan if he could step outside the house and talk to us. Rasan agreed and closed the door. He immediately opened the door again and exited the house.

Due to the overwhelming odor of marijuana, Officer Banuelos asked Rasan how much marijuana was inside the house. Rasan said that he smoked some marijuana earlier and that there was a small amount inside for personal use. Officer Banuelos detained Rasan in front of the house and placed him in handcuffs. He conducted a pat down search on Rasan and felt something in Rasan's left shorts pocket. He asked Rasan what it was and he stated that it was just a little bit of marijuana. Officer Banuelos removed three clear plastic baggies of a green leafy substance believed to be marijuana from Rasan's shorts pockets. Rasan said that his brother was inside the house.

Officer Banuelos identified himself as the Phoenix Police Department and gave verbal commands for the unidentified person to walk toward the front door. A male later identified as Robert Smith appeared from the kitchen area and walked toward the front door. He was detained at the front of the house with Rasan. We asked both subjects if there was anyone else in the house and Robert said there wasn't; Rasan kept quiet.

A protective sweep of the house was conducted for any remaining subjects to preserve the destruction of evidence. While clearing the kitchen area, a open backpack

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containing a green leafy substance was located in plain view. An open coffee can containing more green leafy substance believed to be marijuana was located on the kitchen counter. Drug paraphernalia was located around the kitchen area including clear plastic sandwich baggies. The house was fairly empty of furniture and appeared to be a drug stash house. No other subjects were located inside the residence and it was secured.

Both Rasan Byrd and Robert Smith were transported back to the Maryvale Precinct where they were fingerprinted and photographed. Under Miranda, both subjects stated that they did not have any personal property or items that belonged to them inside of the residence. Both subjects said they did not live in the house and were just hanging out inside. They do not know who the house belongs to.

At this time, Sergeant Frizzell and Officer Banuelos are standing by the residence, pending the search warrant.

Your affiant has over seven years experience as a Phoenix Police Officer and has received training from the Arizona Law Enforcement Academy in the general recognition of illegal drugs, to include powder cocaine, crack cocaine, marijuana, methamphetamine, and heroin. Your affiant is a certified Spanish translator and detective certified through the City of Phoenix Police Department in conjunction with Rio Salado College.

Your affiant is a member of the Arizona Narcotics Officer Association and has received specialized training through the organization dealing with hidden compartments in both homes and vehicles. Your affiant has instructed on a nationwide level about street level drug interdiction and identifying drug stash houses. Your affiant has trained at inspection points in South Texas in conjunction with the United States Border Patrol regarding drug investigations.

Your affiant has been involved in many drug related arrests and investigations. Your affiant has located numerous elaborate hidden compartments inside and underneath passenger vehicles containing illegal drugs, weapons, and large amounts of currency. Your affiant has over one hundred hours of specialized training in advanced passenger and commercial vehicle criminal interdiction, and locating traps in vehicles and houses.

Your affiant has conducted investigations stemming from traffic stops, stash houses/apartments, and hotel/motel interdiction. Since November of 2009, through drug interdiction, your affiant has seized approximately: 3.75 pounds of cocaine, 28.5 pounds of crystal methamphetamine, 1400 pounds of marijuana, 32 pounds of heroin, 0.5 pounds of crack cocaine, \$500,000 in US currency, 55 weapons and has located over 90 hidden compartments; many of them electronically controlled.

Your affiant knows from past experience that people that have large quantities of, dangerous drugs and/or narcotic drugs for sale also have ledgers either on paper or in notebooks relating to the transportation, ordering, possession, sale, transfer and

importation of controlled substances in particular, marijuana. These records include notes recorded in units of weight, and monetary values, associated with pounds, kilos, ounces or other such units of measurements and dollar amounts making it easier to carry on day to day business. The drug ledgers often include nicknames, initials, or numbers to identify the customer, source of supply, or other co-conspirators.

Your affiant also knows from past experience that subjects that sell marijuana, dangerous drugs and/or narcotic drugs also have large amounts of US currency in different denominations from sales of marijuana, dangerous drugs and/or narcotic drugs.

Your affiant also knows from past experience that people that sell, dangerous drugs and/or narcotic drugs have packaging supplies such as zip-lock baggies, along with scales to weigh the marijuana, dangerous drugs and/or narcotic drugs.

Your affiant also knows from past experience that people that sell marijuana, dangerous drugs and/or narcotic drugs uses cell phones to conduct their illegal activities. Drug dealers often keep on their phones names, phone numbers and messages which would help identify co-conspirators.

It is your affiant's experience that dealers of illegal drugs often keep an amount of the drugs concealed in their residences and small amounts broken down for street sale on their person and in their residences. Drug dealers often conceal the location of their drug stash houses by registering their vehicles to different addresses to avoid detection by law enforcement.

Your affiant knows that dealers use hidden compartments inside of passenger vehicles to hide illegal drugs, currency, or weapons. These hidden compartments are elaborate and contain locking mechanisms to prevent detection from law enforcement.

Your affiant knows that the business of selling drugs is a dangerous business and dealers will arm themselves with handguns, rifles, shotguns and the necessary ammunition to protect themselves and their merchandise during day to day transactions. Often times these weapons are maintained on or near their persons in a readily usable condition.

Affiant believes that the following information demonstrates good cause, pursuant to A.R.S. 13-3917 for the permitting of this warrant to be served at any time of the day or night. Both the drugs and the weapons pose an immediate threat to the other occupants in the neighborhood.

Your affiant requests that a search warrant be issued commanding that an immediate search be made of the premises described, and that the same be retained in the custody of the Affiant or in the custody of the Agency which the Affiant represents, and disposed of according to law, pursuant to A.R.S. 13-3920.

From: LA Court 602 253 2645 07/30/2012 19:12 #388 P.010/010
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Pursuant to 13-3920, I hereby authorize release of any property seized that is no longer identified as the lawful owner, unless such property is contraband or otherwise prohibited.


8226
Affiant

Subscribed and sworn to before me on this 30th day of July, 2012.



JUDGE, JUSTICE OF THE PEACE, OR MAGISTRATE

Of the Maricopa County Superior Court

HONORABLE ALYSSON H. ABE
MARICOPA COUNTY SUPERIOR COURT

**POLICE DEPARTMENT
CITY OF PHOENIX, ARIZONA**

RETURN OF SEARCH WARRANT


COUNTY OF MARICOPA, STATE OF ARIZONA

I certify that on July 30th, 2012, I executed Search Warrant No. SW2012-007031
Issued by the Honorable Alysson H. Abe and that I seized the following described items
of property:

PLEASE REFER TO THE ATTACHED RECEIPT/SUPPLEMENT

I further certify that I left a detailed receipt for the property taken at 8941 West
Montevista Road.

Dated this 30th day of July, 2012.


8226
Officer Benjamin Catalano #8226
Phoenix Police Department

Verification of return sworn to and described to before me

This 31st day of July, 2012.


Judge or Magistrate

M. Scott McCoy